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June 22, 2004

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

June 22, 2004

Date

Mark T. Garrett
Mark T. Garrett

MS AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/821,108 entitled "MEDICAL DEVICES AND RELATED METHODS" – Frank A. Morello*
Our reference: UTXC:768US
Client reference: MDA03-003

Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1-A17, B1 and C1-C13.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTXC:768US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Mark T. Garrett

Mark T. Garrett
Reg. No. 44,699

MTG/kmv
Encl.: as noted



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Frank A. Morello

Serial No.: 10/821,108

Filed: April 8, 2004

For: MEDICAL DEVICES AND RELATED
METHODS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTXC:768US

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Mark T. Garrett
Mark T. Garrett

INFORMATION DISCLOSURE STATEMENT

MS AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTXC:768US.

Applicant respectfully requests that the listed documents be made of record in the present case.

Respectfully submitted,



Mark T. Garrett
Reg. No. 44,699
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: June 22, 2004

Form PTO-1449 (modified)

Atty. Docket No.
UTXC:768USSerial No.
10/821,108

List of Patents and Publications for Applicant's

Applicant
Frank A. Morello

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:
April 8, 2004Group:
UnknownU.S. Patent Documents
See Page 1Foreign Patent Documents
See Page 1Other Art
See Page 2

U.S. Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Name | Class | Sub Class | Filing Date of App. |
|-------------|-----------|-----------------|----------|-------------------------|-------|-----------|---------------------|
| | A1 | 3,680,562 | 8/01/72 | Wittes <i>et al.</i> | 128 | 347 | 4/26/71 |
| | A2 | 3,860,006 | 1/14/75 | Patel | 128 | 347 | 6/25/73 |
| | A3 | 4,308,875 | 1/05/82 | Young | 128 | 753 | 3/11/81 |
| | A4 | 4,643,196 | 2/17/87 | Tanaka <i>et al.</i> | 128 | 753 | 4/23/85 |
| | A5 | 4,644,951 | 2/24/87 | Bays | 128 | 305 | 9/16/85 |
| | A6 | 4,799,494 | 1/24/89 | Wang | 128 | 753 | 10/22/86 |
| | A7 | 4,883,474 | 11/28/89 | Sheridan and Alley | 604 | 280 | 6/16/87 |
| | A8 | 4,986,814 | 1/22/91 | Burney <i>et al.</i> | 604 | 164 | 6/13/88 |
| | A9 | 5,098,413 | 3/24/92 | Trudell <i>et al.</i> | 604 | 281 | 7/09/90 |
| | A10 | 5,320,110 | 6/14/94 | Wang | 128 | 753 | 3/30/93 |
| | A11 | 5,394,887 | 3/07/95 | Haaga | 128 | 754 | 1/14/94 |
| | A12 | 5,509,909 | 4/23/96 | Moy | 604 | 281 | 10/06/94 |
| | A13 | 5,643,230 | 7/01/97 | Linder | 604 | 280 | 5/15/95 |
| | A14 | 6,015,391 | 1/18/00 | Rishton <i>et al.</i> | 600 | 567 | 10/06/98 |
| | A15 | 6,056,700 | 5/02/00 | Burney <i>et al.</i> | 600 | 564 | 10/13/98 |
| | A16 | 6,280,434 | 8/28/01 | Kinoshita <i>et al.</i> | 604 | 530 | 1/30/98 |
| | A17 | 6,447,477 | 9/10/02 | Burney <i>et al.</i> | 604 | 93.01 | 1/11/01 |

Foreign Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Country | Class | Sub Class | Translation Yes/No |
|-------------|-----------|-----------------|---------|---------|-------|-----------|--------------------|
| | B1 | WO 01/70114 | 9/27/01 | PCT | | | English |

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EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

| | | | |
|---|---|--------------------------------|--------------------------|
| Form PTO-1449 (modified) | | Atty. Docket No. UTXC:768US | Serial No. 10/821,108 |
| List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | Applicant Frank A. Morello | |
| | | Filing Date: April 8, 2004 | Group: Unknown |
| U.S. Patent Documents <i>See Page 1</i> | Foreign Patent Documents <i>See Page 1</i> | Other Art <i>See Page 2</i> | |

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

| Exam. Init. | Ref. Des. | Citation |
|-------------|-----------|---|
| | C1 | "American Lung Association-Contact: State of the Air 2002," http://www.lungusa.org/contact/ , printed on September 25, 2002. |
| | C2 | "CAT Scan Guided Biopsy of Lung," Lung Biopsy, http://www.medexpert.net/medinfo/lungbiopsy.htm , printed on September 20, 2002. |
| | C3 | "Device Coatings," ECHO-COAT Products, http://www.stsbiopolymers.com/echocoatproducts.htm , printed on September 20, 2002. |
| | C4 | "INRAD: Coaxial FNA Biopsy Needles," http://www.inrad-inc.com/coaxial.htm , printed October 15, 2002. |
| | C5 | "Medical Procedures: Types of Biopsy," http://imagingis.com/biopsy/biopsy_types.asp , June 6, 2004 copy of identical version printed on September 24, 2002. |
| | C6 | Allen, "Lung Cancer: 2001 update on diagnosis, staging, and treatment," http://home.columbus.rr.com/allen/lung_cancer_cme.htm , printed on September 20, 2002. |
| | C7 | Bolinger and Mathur, "ERS/ATS Statement on Interventional Pulmonology," <i>Eur. Respir. J.</i> , 19:357-373, 2002. |
| | C8 | Cardella <i>et al.</i> , "Quality Improvement Guidelines for Imag-guided Percutaneous Biopsy in Adults," http://www.sirweb.org/clinical/T26.htm , printed on September 20, 2002. |
| | C9 | Hallett, "Musculoskeletal Tumors, Percutaneous Needle Biopsy," Emedicine, http://www.emedicine.com/radio/topic_844.htm , June 22, 2004 copy of identical version printed on September 20, 2002. |
| | C10 | Rotte, "CT-assisted needle biopsy in pulmonary and mediastinal space-occupying lesions. The effect of spiral CT and various biopsy needles on results," <i>Aktuelle Rasiol.</i> , (abstract), 5(3):136-139, 1995. |
| | C11 | Williams, "Percutaneous Transchoracic Needle Biopsy," Percutaneous Needle Biopsy Discussion, http://www.auntminnie.com/ScottWilliamsMD2/Chest/General/Biopsy/Biopsy.htm , printed on September 19, 2002. |
| | C12 | Williams, "Radiologic Assessment of Bronchogenic Carcinoma," Radiology InfoNet, http://www.radinfonet.com/cme/williams/percutaneous_biopsy.htm , printed on September 19, 2002. |

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| List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | Applicant Frank A. Morello | |
| | | Filing Date: April 8, 2004 | Group: Unknown |
| U.S. Patent Documents <i>See Page 1</i> | Foreign Patent Documents <i>See Page 1</i> | Other Art <i>See Page 2</i> | |

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

| Exam. Init. | Ref. Des. | Citation |
|----------------|--------------|---|
| | C13 | Wong <i>et al.</i> , "Cryosurgery as a treatment for advanced stage hepatocellular carcinoma," Cancer, 82(7):1268-1278, 1998. |

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INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)